

Hon. Marsha Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRICK CALLIARI, individually and
as Representative of the Former
Shareholders of GCI Investments Inc., a
Washington corporation,

Plaintiff,

v.

SARGENTO FOODS INC.,

Defendant/
Counterclaim
Plaintiff,

v.

PATRICK C. CALLIARI, FLORA
DAMASIO, ANTOINNE IOANNIDES,
ANDREAS IOANNIDES, GAYLE K.
GOODRICH, GILLIAN OLSON,
RICHARD J. OLSON, and BETTY
CROUSE,

Counterclaim
Defendants.

No. 2:08-CV-1111MJP
(Consolidated with 2:08-CV-1112MJP)

DECLARATION OF DAVID
LINEHAN IN SUPPORT OF
SARGENTO'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
RE REBUTTABLE PRESUMPTION

I, DAVID A. LINEHAN, declare under penalty of perjury of the laws of the State
of Washington and the United States of America that the following statements are true,
correct, and based on personal knowledge:

1 1. I am a partner in the law firm of McNaul Ebel Nawrot & Helgren PLLC
2 and am one of the attorneys of record for Sargento in this litigation. If called to testify at
3 trial, I could and would affirm the matters stated herein.

4 2. Attached hereto as Exhibit 1 is a true and correct copy of relevant
5 provisions of the Stock Purchase Agreement by and among the former Shareholders of
6 GCI Investments, Inc. the Shareholders' Representative, Patrick Calliari, and Sargento
7 Foods Inc., which was marked as Exhibit 1 to the deposition of plaintiff Patrick Calliari. A
8 full and complete copy of the entire SPA and accompanying Schedules is attached as
9 Exhibit A to the Declaration of Brad Fisher Re: Counterclaim Defendants' Motion for
10 Partial Summary Judgment (Doc. 46).

11 3. Attached hereto as Exhibit 2 is a true and correct copy of the Employment
12 Agreement between Patrick Calliari and Sargento Foods Inc., dated April 30, 2007.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of a letter sent to
14 Sargento's corporate counsel from counsel for Calliari and the Shareholders, dated March
15 28, 2008. This letter was marked as Exhibit 17 to the deposition of plaintiff Patrick
16 Calliari.

17 5. Attached hereto as Exhibit 4 is a true and correct copy of a letter sent to
18 Sargento's corporate counsel from counsel for Calliari, dated April 15, 2008.

19 6. Attached hereto as Exhibit 5 is a true and correct copy of a letter sent to
20 Sargento's corporate counsel from counsel for Calliari, dated June 23, 2008.

21 7. Attached hereto as Exhibit 6 is a true and correct copy of a letter sent to
22 Sargento's corporate counsel from counsel for Calliari, dated May 23, 2008. This letter
23 was marked as Exhibit 18 to the deposition of plaintiff Patrick Calliari.

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DATED this 10th day of August, 2009, at Seattle, Washington.

s/ David A. Linehan
David A. Linehan, WSBA No. 34831

CERTIFICATE OF SERVICE

I certify that on August 10, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 10th day of August, 2009.

By: s/ David A. Linehan
David A. Linehan, WSBA No. 34831